

STATEMENT IN SUPPORT OF PROBABLE CAUSE

IN RE: Said Isaac HERNANDEZ

I, Daniel Mueller, being duly sworn, depose and state as follows:

1. I am a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since February 2005. As an ATF Special Agent, I am empowered to make arrests, conduct investigations, and execute search and arrest warrants relative to Federal Firearm offenses pursuant to Title 18 and Title 26 of the United States Code.
2. This affidavit is submitted in support of a criminal complaint against Defendant Said Isaac HERNANDEZ (year of birth 1997) for the violations of:
18 USC § 933 Trafficking in firearms
18 USC § 554 Smuggling Goods from the United States
3. 18 USC § 933. Trafficking in firearms (a) In general It shall be unlawful for any person to—(1) ship, transport, transfer, cause to be transported, or otherwise dispose of any firearm to another person in or otherwise affecting interstate or foreign commerce, if such person knows or has reasonable cause to believe that the use, carrying, or possession of a firearm by the recipient would constitute a felony (as defined in section 932(a)); (2) receive from another person any firearm in or otherwise affecting interstate or foreign commerce, if the recipient knows or has reasonable cause to believe that such receipt would constitute a felony; or (3) attempt or conspire to commit the conduct described in paragraph (1) or (2).
4. 18 USC 554 Smuggling Goods from the United States – (a) In General.—Whoever fraudulently or knowingly exports or sends from the United States, or attempts to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, shall be fined under this title, imprisoned not more than 10 years, or both.
5. The information in this affidavit is based upon my personal observations and credible information provided to me by other witnesses. This affidavit does not necessarily contain all the information concerning this investigation that is known to me or to law enforcement officers but describes only those relevant facts necessary to establish probable cause that Said Isaac HERNANDEZ committed the offense set forth in the Criminal Complaint attached hereto.

6. ATF has been conducting an investigation regarding Said Isaac HERNANDEZ purchasing a large quantity of firearms in a purchasing pattern that is indicative of firearms trafficking. Research showed that in a period of less than one year from 07/22/2021 until 6/26/2022 that HERNANDEZ had purchased at least 176 firearms. All 176 firearms were pistols, all were of the caliber of .380, 9mm and .22 caliber and he purchased up to 21 of the same model of firearm. Research showed that from 10/13/2021 until 7/8/2022 HERNANDEZ crossed the United States border with Mexico in a Nissan Murano bearing Mexico License Plate NZB4676 multiple times. Research showed that this year HERNANDEZ appears to have an income of less than \$10,000. When purchasing the 176 firearms, an ATF Form 4473 was completed and signed by HERNANDEZ, and the information provided by HERNANDEZ showed that he lived at 10305 Gail Road, Austin, Texas, which in fact he did not during that time.
7. When a person purchases a firearm from a lawful gun dealer, aka Federal Firearms Licensee (FFL), the FFL must run a background check through the FBI National Instant Background Check System (NICS) to see if the person is prohibited from purchasing or possessing firearms. In conjunction with certain criminal investigations, ATF can request to be notified by the FBI when a person's information is checked in NICS. This investigative technique allows investigators to know that a suspect has purchased or attempted to purchase firearms from a particular FFL. This was requested in June of 2022 regarding Said Isaac HERNANDEZ, and as such, ATF was notified when HERNANDEZ's information was checked through NICS by an FFL, thereby indicating that he was purchasing firearms from that dealer.
8. On July 10, 2022, several NICS alerts showed that HERNANDEZ had purchased firearms from six different FFL's who were at a gun show in Waco, Texas. On this same date an FFL attending the gun show at Waco, Texas contacted ATF and advised they observed HERNANDEZ purchasing many firearms at the Waco Gun Show. The information received was that HERNANDEZ was purchasing firearms in the company of another person, speaking only Spanish, and they departed in a burnt orange colored Nissan Murano bearing Mexican License Plate NZB4676. The identity of HERNANDEZ was verified by a purchase from an FFL at the gun show where HERNANDEZ presented his Texas Driver's License.
9. On July 11, 2022, several NICS alerts showed that HERNANDEZ was purchasing firearms from FFLs in the Austin, Texas area. ATF made contact with employees at Range USA, an FFL in Pflugerville, Texas. Employees at this FFL identified the purchaser as Said HERNANDEZ by his drivers license and by a photograph taken the day before in Waco, Texas. Range USA provided an ATF Form 4473 that Said HERNANDEZ had completed about an hour before where he purchased a Ruger LCP .380 caliber pistol bearing serial number 379076451 and a Smith & Wesson M&P Bodyguard, .380 caliber pistol bearing serial number KEV2227. This form contained the address of 10305 Gail Road, Austin, TX and phone number 512-596-8010 as well as HERNANDEZ's signature.
10. On July 11, 2022, ATF made contact with employees of Red's Indoor Range, an FFL in Pflugerville, TX. Employees at Red's FFL identified the purchaser as Said HERNANDEZ

by his driver's license and by a photograph taken the day before in Waco, Texas. Red's FFL provided an ATF Form 4473 that Said HERNANDEZ had completed about an hour before where he purchased a Kel-Tec P17, .22 caliber pistol bearing serial number GDB12 and a Smith and Wesson M&P .380 caliber pistol bearing serial number NMA1054. This form contained the address of 10305 Gail Road, Austin, TX and phone number 512-596-8010 as well as HERNANDEZ's signature. Employees verified that during the time of this purchase, a burnt orange colored Nissan SUV was in the parking lot.

11. On July 11, 2022, Texas Department of Public Safety conducted a traffic stop on a Nissan Murano bearing Mexico License Plate NZB4676 driven by Said HERNANDEZ. During the traffic stop a US Border Patrol Agent and his K9 provided backup. During the traffic stop an open-air search by the K9 resulted in a positive alert, indicating the presence of narcotics or human smuggling or tainted currency. The vehicle was moved to the United States Border Patrol Station at Interstate 35 at mile marker 29 to conduct a more thorough inspection in a safer environment.
12. At the US Border Patrol Station, a drive through x-ray scan was conducted on the Nissan Murano and two anomalies were observed. The anomalies were observed in the same area of the vehicle where the indications of tampering were observed at the interior paneling behind the back seats and between the exterior sheet metal. An intrusive search was conducted and a total of 17 firearms were found secreted behind the panels in an apparent attempt to conceal them so they would not be found by law enforcement. The firearms were all similar small to medium framed semi-automatic pistols. There were eleven 9mm caliber pistols, five .380 caliber pistols, and one .22 caliber pistol.
13. Four of the firearms discovered hidden were identified by serial number as the same firearms listed above on the two ATF Form 4473's from the two purchases made by HERNANDEZ earlier on this date.
14. On July 11, 2022, ATF advised HERNANDEZ of his Miranda rights in his preferred language of Spanish and interviewed Said HERNANDEZ at the United States Border Patrol Station at Interstate 35 at mile marker 29. During the interview Said HERNANDEZ advised that he had in fact purchased firearms from several FFL's in the Austin area. HERNANDEZ was shown the two aforementioned ATF Form 4473's and confirmed that he had completed both forms, that he had put the address of 10305 Gail Road, and that his signature was on both forms.
15. HERNANDEZ stated that he lives in Mexico and does not have a residence in Texas. He stated that when he comes to Texas that he stays with either friends, relatives or in hotels. When asked about the address on his driver's license, 10305 Gail Road, he stated that he had not lived in Austin for more than two years.
16. HERNANDEZ stated that he had concealed 15-18 firearms in the vehicle because he did not want the police to find them if he was stopped.

17. HERNANDEZ stated that going to Laredo with the firearms and would contact his cousin in Mexico with a +52 telephone number and this cousin would coordinate to meet with persons at the Plaza to transfer the firearms and HERNANDEZ would expect to be paid at that time. He stated that he would receive about \$50-\$100 profit per firearm and would be paid in cash. HERNANDEZ stated he knew that the people he met in Laredo, Texas and to whom he sold the firearms to were not able to legally purchase or receive firearms. He stated his cousin could not legally enter the United States and that his cousin has been previously deported from the United States.
18. HERNANDEZ stated that he has previously made two deliveries of firearms concealed in the same manner described above about a month or two ago; and he delivered 12 firearms for \$5,000 cash and 15 firearms and for \$6,000 cash. HERNANDEZ stated that he was certain that the firearms were going to Mexico and the firearms would not remain in Laredo, Texas.
19. HERNANDEZ stated he has purchased about 100 firearms in the last five months.
20. An ATF Interstate Nexus Expert has researched the 17 firearms that were seized from the Nissan Murano and has determined that all of the firearms seized have traveled in and affected interstate and or foreign commerce.

Based on the above information, probable cause exists to believe that Said Isaac HERNANDEZ, has violated among other statutes 18 USC § 933 Trafficking in Firearms and 18 USC § 554 Smuggling Goods from the United States.

I declare (certify, verify, or state) under penalty of perjury that the forgoing is true and correct. Executed on the 13th day of July, 2022.

DANIEL MUELLER Digitally signed by DANIEL MUELLER
Date: 2022.07.12 18:43:52 -05'00'
Daniel Mueller, ATF Special Agent

Having reviewed the foregoing declaration, I find probable cause that the defendant(s) named above committed an offense against the laws of the United States and may therefore be further detained pending presentment before a judicial officer.

Executed on the _____ day of _____, 20 _____.

UNITED STATES MAGISTRATE JUDGE